IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 1197 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/02/2003 in WP NO : 3883 OF 2000 on the file of the High Court.)

Between:

1. The Prakasam District Cooperative Central Bank Ltd. rep by General

Manager, Opp.Head Post Office, Rajapangal Road, Ongole,

Prakasam District.

2. General Manager Prakasam District Cooperative Central Bank Ltd,
Ongole, Prakasam District

..... APPELLANTS

AND

1 Meher Ali Baig

2 R.V.Ramana

3 The A.P.State Cooperative Bank, Rep. by its managing Director,
troop bazar, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants: MR.R.V.SUBBA RAO

Counsel for the Respondents : MR.V.RAVINDRANATH REDDY

The Court made the following :

O R D E R

(Per Sri Justice J.Chelameswar)

The respondents in W.P.No.3883 of 2000 are the appellants herein. By the order under appeal dated 11.02.2003 the above mentioned writ petition was allowed. The facts which led to filing of the writ petition are as follows:

The 1st appellant Bank sought to fill up 13 posts in the Category V as classified in the relevant service rules of the bank in the year 1987. Respondents 1 and 2 herein applied to the aforesaid posts, but they were not successful. The 1st appellant bank selected 13 persons to fill up the 13 posts mentioned above. Respondents 1 and 2 herein filed W.P.No.14605 of 1987 challenging the selection of two out of the above mentioned 13 persons, on the ground that the selection, insofar as those two persons (the details of such persons are not necessary for the present), is illegal. That writ petition came to be allowed by an order of the learned single Judge of this Court dated 04.11.1988. The appointment of respondents 4 and 5 thereto were set aside. The judgment prescribes certain guidelines that were required to be followed in the selection process and it further directed the respondent-bank to make a fresh selection in the light of the guidelines laid down in the

judgment.

Thereafter, it appears that the appellants herein sought to reopen the entire selection process of all the 13 posts mentioned above, which process came to be challenged once again by the originally selected candidates, other than the two candidates whose appointments were set aside by this Court in W.P.No.2264 of 1999 and W.P.No.2295 of 1989. It appears that the two candidates, whose appointments were set aside in the writ petition by virtue of W.P.No.14605 of 1987, also preferred an appeal in W.A.No.145 of 1989.

The respondents 1 and 2 herein also filed another W.P.No.2398 of 1989 challenging the action of the appellants herein in proposing to make fresh selections with respect to the two posts, which are vacant consequent upon the declaration of this Court in the above mentioned W.P.No.14605 of 1987 with a further prayer that only respondents 1 and 2 herein should be appointed and they cannot be made to compete again with those candidates who were not applicants in the first round of selections. Eventually, all the above mentioned matters (i.e.) W.P.No.2264 of 1989, W.P.No.2295 of 1989 and W.A.No.145 of 1989 came to be heard and disposed of by a Division Bench of this Court in its common order dated 09.08.1996. The above mentioned writ appeal was dismissed and all the other writ petitions mentioned above came to be allowed. By virtue of the said order, respondents 1 and 2 herein were appointed to the post applied for by them. However, respondents 1 and 2 sought that their seniority be reckoned with effect from the date of the original appointments of all the eleven persons who were the petitioners in the other two writ petitions, referred to earlier. Since the request of the respondents 1 and 2 herein was not acceded to by the appellants herein, the present writ petition vide W.P.No.3883 of 2000 came to be filed. As already noticed, the learned single Judge allowed the writ petition and hence the present appeal.

The learned single Judge, on an elaborate consideration of all the facts and circumstances of the case, came to the conclusion that "……Under the above circumstances, the petitioners are certainly entitled for the relief of notional seniority taking their original appointment w.e.f. 29-8-1987, the date on which the other two petitioners, whose appointments, were set aside by this Court ……" The learned single Judge also held that such a benefit is to be given to the respondents 1 and 2 herein for the purpose of reckoning their seniority and for the purpose of fixing the scale and made a further categoric declaration that the respondents are not entitled for any monetary benefit of arrears for the period for which they are not actually worked.

We do not see any infirmity in the judgment either in law or fact, which warrants interference by this Court. The appeal is therefore dismissed.

Learned counsel for the appellants represented that insofar as arrears of pay as directed by the learned single Judge is concerned, the appellants be given some time to determine the same and make the payment.

Heard the learned counsel for respondents 1 and 2.

In the circumstances, we deem it appropriate that the appellants shall pay the arrears mentioned above to the respondents 1 and 2 within a period of three months from today. In the circumstances, there shall be no order as to costs.

JUSTICE J.CHELAMESWAR

JUSTICE GHULAM MOHAMMED

7th MARCH, 2005

PGS

To

1. The Prakasam District Cooperative Central Bank Ltd.rep by General

Manager, Opp.Head Post Office, Rajapangal Road, Ongole,

Prakasam District.

2. General Manager Prakasam District Cooperative Central Bank Ltd,
   Ongole, Prakasam District

3. The A.P.State Cooperative Bank, Rep. by its managing Director,
   troop bazar, Hyderabad.

4. Two CD copies.

THE HONOURABLE SRI JUSTICE

J.CHELAMESWAR

AND

THE HONOURABLE SRI JUSTICE

JUSTICE GHULAM MOHAMMED

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(Per Sri Justice J.Chelameswar)

7th MARCH, 2005